

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Johnathon Dion McLendon

Case No.

1:22-mj-359

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 20, 2021 in the county of Durham in the Middle District of North Carolina, the defendant(s) violated:

Code Section

18 USC Section 922(g)(1)

Offense Description

Felon in Possession of a Firearm in violation of 18USC Sections 922(g)(1) and 924(a)(2)

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date:

09/14/22

City and state:

Greensboro, North Carolina

/s/ Eric S. Nye

Complainant's signature

Eric S. Nye, Special Agent, FBI

Printed name and title



Judge's signature

L. Patrick Auld, United States Magistrate Judge

Printed name and title

**AFFIDAVIT OF ERIC S. NYE, SPECIAL AGENT DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION**

I, Eric S. Nye, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

Introduction and Background

1. I am a "Federal Law Enforcement Officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General. As such, I am empowered to conduct investigations of, and to make arrests for, violations of federal law.

2. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since 2006. I was initially assigned to the Lawton Resident Agency of the Oklahoma City office and worked criminal investigations to include violations on Fort Sill and Indian Reservations. In 2008 I was assigned to the Safe Streets Task Force (SSTF) of the Baltimore office and investigated violent criminal enterprises and drug trafficking organizations in Baltimore City. I have been assigned to the Raleigh/Durham Safe Streets Task Force (RDSSTF) of the Charlotte office since May of 2016 conducting investigations into violent street gangs and narcotics distribution. Since 2006, I have participated in numerous investigations of criminal enterprises, violent gangs, and unlawful drug trafficking, and have conducted or participated in surveillances, the execution of search warrants, the recovery of substantial quantities of narcotics and narcotics paraphernalia, and the debriefing of informants and cooperating witnesses. I have participated in the operation and execution of over forty Federal and State Title III orders. I have received over 100 hours of specialized training in the area of illegal narcotics and violent street gangs.

3. Because this affidavit is being submitted for the limited purpose of seeking authorization for an arrest, I have not set forth each and every fact learned during the course of this investigation, nor have I necessarily set forth all facts which support the authorization sought. Nor do I request that this Court rely upon any facts not set forth herein in reviewing this affidavit in support of the Application for this complaint.

Introduction

4. This affidavit is made in support of a complaint against JOHNATHON MCLENDON, aka JONATHAN MCLENDON, aka "SHOOTA" (hereinafter "MCLENDON"), charging that on December 20, 2021, MCLENDON committed the following federal offense: felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2).

Apex Home Invasion

5. On December 17, 2021, three males, identified as TAIJAY SURLES, CHRIS WIGGINS, and TYRON TAYLOR, conducted an armed home invasion of Asian business owners at their residence located at 1200 Fairfax Woods Drive, Apex, NC. Apex Police responded to the house and SURLES and WIGGINS fled on foot from the house and were captured shortly thereafter. TAYLOR fled the area in a white Nissan Maxima and, even though law enforcement gave chase, he was able to escape. The vehicle was later determined to be the registered vehicle of TAYLOR with the plate covered with a temporary tag. The Raleigh-Durham Safe Streets Task Force offered their assistance to the Apex Police. On December 30, 2021, agents located and arrested TAYLOR in Durham. All three have been indicted for Hobbs Act and gun violations in the Eastern District of North Carolina.

Investigation and Arrest of Johnathon McLendon 12/20/2021

6. On December 20, 2021, a review of jail calls made by TAIJAY SURLES revealed that he had made contact with MCLENDON and asked him to go to his house and remove items before the police searched it. Specifically, on December 17, 2021, SURLES placed a jail call and asked Adriana LANGLEY to place a three-way call to MCLENDON at 313-729-0673¹. During the call SURLES referred to MCLENDON as "SHOOTA." This was significant because the street moniker "SHOOTA" is documented in state public safety records as belonging to MCLENDON. SURLES told MCLENDON to, "get all my stuff, man, my bread, I got like five bands, and my food, and my blue shoes." On the call, MCLENDON explained that he was already on his way to SURLES' house, with "Bad Ass." SURLES instructed MCLENDON to hold onto his bread² (money), which is in his "blue fours."

7. Later in the conversation, MCLENDON told SURLES that "TY5" (TAYLOR) reported his car stolen. SURLES stated, "how he do that," then the conversation shifted. SURLES told MCLENDON to go in his closet and, "look in the black tote, you gone see the yellow junk. Go in my blue fours. And then to your right, it's a black bag, with a trash bag and another bag. It's got the cookie bag." MCLENDON stated, "I got it right here. Now what else you say go in the black tote?" SURLES stated, "You see it? Black zipper thing to the left by my shirt." MCLENDON replied, "We got that too." SURLES asked, "You got my other bag? The one toward the right cookie bag and the other black bag beside it." MCLENDON replied, "I see it, I know exactly what you talking 'bout. I'm gone put this shit in my attic."

¹ Investigators determined that the telephone number 313-729-0673 belonged to MCLENDON's mother based on records with Wake County Jail.

² Based on training and experience, your affiant understands "bread" to mean money.

8. The following day, on December 18, 2021, SURLES instructed MCLENDON to change the password to his Instagram account.

9. Investigators determined that MCLENDON was released from NC Department of Corrections custody seventeen days prior to the jail calls. Part of his parole conditions was the application of a GPS ankle monitor. The GPS records were reviewed, and it was verified that MCLENDON was inside of SURLES' residence when speaking to SURLES over the recorded jail call. After the call, in which SURLES provided specific details about the bags that he needed taken out of his house before the police found them, GPS location data indicated that MCLENDON traveled directly to his residence located at 314 Clark Street, Apt B, Durham, NC. Additionally, MCLENDON declared to SURLES that he would take the items and hide them at his house.

10. Due to this evidence being maintained in the residence of MCLENDON, a search warrant was obtained in the Superior Court of Durham County for MCLENDON and his residence. The warrant was executed on the evening of December 20, 2021. Agents recovered the following evidence:

- a. Anderson Manufacturing, AM-15, 5.56mm, pistol, serial number 18270879;



- b. Anderson Manufacturing, AM-15, 5.56mm pistol, serial number 21128358 (reported as stolen from Durham);



- c. Ruger, Max-9, 9mm pistol, serial number 350059113 (reported as stolen from Wayne County);



- d. 548 grams of Marijuana; and
e. 822 grams of Mushrooms (Schedule I).

11. The above listed marijuana and mushrooms were located inside of a black tote and a backpack with the word “cookie” printed all over it, as described by SURLES over the phone.

12. MCLENDON was arrested after the execution of the search warrant.

Instagram Records – Johnathon McLendon

13. On January 4, 2022, a search warrant was obtained in Durham County Superior Court for the Instagram records associated with account “*shootathamenace.93*.” This account was associated with MCLENDON³. The following are pictures of evidentiary value recovered during the search:

- a. A picture of the same Anderson Manufacturing Am-15 pistol recovered from MCLENDON’s residence on 12/20/2021. A second photo showing what appears to be the same, distinctive colored, pistol, was posted to his account with the text “It’s safe here”. These photos, based on the search of McLendon’s house, were determined to have been taken in his room.

³ The Durham Police Intel Unit, at the request of the FBI, provided known associates of CHRIS WIGGINS. They immediately returned the name JOHNATHON MCLENDON and his Instagram page. This information was requested to help identify the third person (driver) in the robbery. It was determined that MCLENDON had an ankle monitor on from parole. The ankle gps records indicated that he was not at the robbery. Investigators monitored SURLES’ jail calls to MCLENDON and determined that he was assisting after the fact.



- b. Additionally, MCLENDON had multiple photographs and videos of marijuana, mushrooms, and had multiple images of himself.

Firearms Nexus

14. A nexus examination was conducted by SA Nye on the two Anderson firearms recovered during the search warrant and subsequent arrest of JOHNATHON MCLENDON. The firearms were determined to have been manufactured outside of the state of North Carolina. Additionally, the Ruger 9mm firearm, recovered during the aforementioned search warrant and arrest, was determined to have been manufactured outside of the state of North Carolina.

MCLENDON's Criminal History

15. A criminal history search of MCLENDON's name and identifiers verified that MCLENDON was a convicted felon at the time of the offense and precluded from possessing firearms. Specifically, MCLENDON was convicted of Breaking and Entering to Commit Felony in November of 2015 and was sentenced to one year and five months incarceration; and was convicted of Assault with Deadly Weapon Intent to Kill in December of 2015 and was sentenced to three years and eleven months incarceration.

16. Based on the above-mentioned evidence, I believe that JOHNATHON MCLENDON, aka JONATHAN MCLENDON, aka “SHOOTA”, while in the Middle District of North Carolina, knowingly possessed a firearm as a convicted felon on December 20, 2021.

Conclusion

17. Based upon the foregoing, I respectfully submit that there is probable cause that JOHNATHON MCLENDON, aka JONATHAN MCLENDON, aka “SHOOTA”, knowingly and intentionally did possess a firearm having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1).


18. WHEREFORE, in consideration of the facts presented, I respectfully request that this Court issue an arrest warrant for **JOHNATHON MCLENDON**, aka JONATHAN MCLENDON, aka “SHOOTA”, black male, date of birth July 15, 1996.

Respectfully Submitted,

/S/ Eric S. Nye
Eric S. Nye, Special Agent
Federal Bureau of Investigation
United States Department of Justice

Dated: September, 14 2022

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.



Hon. L. Patrick Auld
United States Magistrate Judge
Middle District of North Carolina